



EXPRESS MAIL NO. EV889152987US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Sean T. O'Mara
Application No. : 10/086,940
Filed : March 1, 2002
For : INTUBATION DEVICE AND METHOD

Examiner : Annette Fredricka Dixon
Art Unit : 3771
Docket No. : 920070.417
Date : April 30, 2007

*Please
CNS 5/16/07*
Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO ADVISORY ACTION

Commissioner for Patents:

In response to the Office Action mailed December 28, 2006 and the Advisory Action dated March 5, 2007, please extend the period of time for response one month, to expire on April 28, 2007 (Saturday). Enclosed are a Petition for an Extension of Time and the requisite fee. Applicant respectfully submits the following remarks.

Claims 66-71 and 73-78 are pending and were rejected. The Examiner rejected claims 66, 67, 71, 73, 74 and 78 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,820,614, issued to Bonutti. The Examiner rejected claims 68-70 and 75-77 under 35 U.S.C. § 103(a) as obvious over Bonutti in view of U.S. Patent No. 5,607,386 issued to Flam. Applicant respectfully traverses the Examiner's rejections.

Applicant previously submitted, on September 27, 2006, a declaration under 37 CFR 1.131 establishing that Bonutti is not a prior art reference under Section 102(e) or Section 103(a). Under Section 1.131, an Applicant can overcome a prior art reference by showing either (i) conception prior to the effective date and due diligence between just prior to the effective date